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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,503	04/24/2000	Charles J. Burnett	10991754-1	7659

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AGILENT TECHNOLOGIES, INC.  
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.  
P.O. BOX 7599  
M/S DL429  
LOVELAND, CO 80537-0599

EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/556,503	BURNETT, CHARLES J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Barry W Taylor	2643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☐ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 19-21 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Qiu et al (6,640,318 hereinafter Qiu).

Regarding claim 19. Qiu teaches a slave test unit connected to a digital data network via a phone line (see figure 2 wherein slave 305 is connected to packet network 302); and

a remote test unit (301 figure 2) wherein remote connected to the digital data network (302 figure 2) so that electrical signals are transmitted from the remote test unit (301 figure 2) to the slave test unit (305 figure 2) by traveling via packets through the digital network (302 figure 2) and then over the phone line from the digital data network (302 figure 2) to the slave test unit (305 figure 2) and so that electrical signals are transmitted from the slave test unit (305 figure 2) to the remote test unit (301 figure 2) by traveling from the slave test unit (305 figure 2) to the digital network (302 figure 2) over the phone line and then via packets through the digital network (302 figure 2) wherein electrical signals transmitted from the remote test unit (301 figure 2) to the

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slave test unit (305 figure 2) in response to a call made from the remote test unit with the remote test unit positioned at an end point of the call (see col. 4 lines 1-28 wherein remote is another slave or the slave is another remote and the remote/slave examples include a network device such as a switch (col. 4 line 28)) include a test command indicating a test signal to be generated on the phone line by the slave test unit (305 figure 2), and the slave test unit (305 figure 2) generates the test signal (see loopback in columns 4, 9 and 11, see ringback columns 7 and 10) on the phone line in accordance with test command, the apparatus thereby testing voice signal quality of voice calls transmitted through the phone line and as packets through the digital network (col. 2 lines 7-67, columns 3 and 4 especially "loopback" in column 4, col. 5 line 4 – col. 6 line 23, see "ringback" in columns 7 and 10, see "loopback" in columns 9 and 11).

Regarding claim 20. Qiu teaches dialback (see ringback in columns 7 and 10).

Regarding claim 21. Qui teaches loopback (see loopback in columns 9 and 11).

Regarding claim 24. Qui teaches the remote is another slave or the slave is another remote (col. 4 lines 1-28).

Regarding claim 25. Qui teaches DTMF signal (see tone generator 501 figure 4 used by remote unit or slave unit).

Regarding claim 26. Qiu teaches a slave test unit connected to a digital data network via a phone ling (see figure 2 wherein slave 305 is connected to packet network 302); and

a remote test unit (301 figure 2) wherein remote connected to the digital data network (302 figure 2) so that electrical signals are transmitted from the remote test unit (301 figure 2) to the slave test unit (305 figure 2) by traveling via packets through the digital network (302 figure 2) and then over the phone line from the digital data network (302 figure 2) to the slave test unit (305 figure 2) and so that electrical signals are transmitted from the slave test unit (305 figure 2) to the remote test unit (301 figure 2) by traveling from the slave test unit (305 figure 2) to the digital network (302 figure 2) over the phone line and then via packets through the digital network (302 figure 2) wherein electrical signals transmitted from the remote test unit (301 figure 2) to the slave test unit (305 figure 2) in response to a call made from the remote test unit with the remote test unit positioned at an end point of the call (see col. 4 lines 1-28 wherein remote is another slave or the slave is another remote and the remote/slave examples include a network device such as a switch (col. 4 line 28)) include a test command indicating a test signal to be generated on the phone line by the slave test unit (305 figure 2), and the slave test unit (305 figure 2) generates the test signal (see loopback in columns 4, 9 and 11, see ringback columns 7 and 10) on the phone line in accordance with test command, the apparatus thereby testing voice signal quality of voice calls transmitted through the phone line and as packets through the digital network (col. 2 lines 7-67, columns 3 and 4 especially "loopback" in column 4, col. 5 line 4 – col. 6 line 23, see "ringback" in columns 7 and 10, see "loopback" in columns 9 and 11); and means for generating the test signal (see tone generator 501 figure 4) by the slave test unit (305 figure 2) on the phone line in accordance with the test command, to

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thereby test voice signal quality of voice calls transmitted through the phone line and as packets through the digital network.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qiu et al (6,640,318 hereinafter Qiu).

Regarding claim 23. Qui does not rename remote unit as master. However, Qui discloses that remote unit could be conventional units that uses digital and analog telephony format configured to provide voice, data, and video communications (col. 3 line 29 – col. 4 line 52). Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to rename remote unit (301 figure 2) to be master unit communicating with slave unit (305 figure 2) to thereby provide voice, data and video communications between renamed remote unit (301 figure 2) and slave unit (305 figure 2).

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qiu et al (6,640,318 hereinafter Qiu) in view of Hardy et al (6,519,323 hereinafter Hardy).

Regarding claim 22. Qiu does not teach quiet termination command.

Hardy teaches test unit for use at a network interface device wherein the test unit may be remotely activated from a remote site (abstract). Hardy discloses the testing

unit may perform multiple types of tests, including tests for detecting line loss, line noise and latency (abstract). Hardy teaches the test unit may be able to generate tones, perform loop-back, silence a line and identify latency for transmitted signals (col. 5 line 59 – col. 6 line 34). Hardy teaches using first and second test units to determine line noise or echo path delay (col. 5 lines 59-67). Hardy also shows the first and second test unit may be used to transmit signals back and forth wherein the second unit echos the signal back to first unit. Hardy also shows the first and second test unit may be used to transmit signals back and forth wherein the second unit echos the signal back to first unit. Hardy further shows performing test by generating a test tone, transmitting the test tone and measuring the line loss (col. 7 lines 15-18):

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the slave unit (i.e. 305 figure 2) as taught by Qiu to incorporate silencing element as taught by Hardy for the benefit of silencing portion of network so that noise or echo path delay between slave and remote may be determined.

***Allowable Subject Matter***

4. Claims 1-18 are allowed.

***Response to Arguments***

5. Applicant's arguments filed 12/16/04 have been fully considered but they are not persuasive.

a) Regarding Applicant's remarks on page 7, paper dated 12/16/04 wherein Applicant's contend that claims 19 and 26 are amended to clarify that a call is made from the remote test unit with the remote test unit positioned at an end point of the call.

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Support for the amendments is found in the disclosure page 3 lines 20-22 and page 8 lines 11-21.

The Examiner notes that Applicant's disclosure page 3 lines 20-22 do not limit the test unit positioned at an end point. Next, Examiner directs Applicant's attention to Applicant's specification page 8 lines 11-21 wherein the remote test unit and master unit may reside at phone customer sites or at a telephone central office (page 8 lines 15-16).

Therefore, Qiu teaches (see col. 4 lines 1-28) wherein remote is another slave or the slave is another remote and the remote/slave examples include a network device such as a switch (col. 4 line 28) reads on remote or master located at switch (a.k.a. telephone central office).

b) Next, Applicant's argue that Qui does not teach the communication hubs making calls (see Applicant's argument starting at last line of page 7 and continuing to page 8).

The Examiner notes that Qui teaches dialback (see ringback tones---columns 7 and 10). Furthermore, Qui teaches tone generator used to generate DTMF signal (see tone generator 501 figure 4 used by the remote or slave unit).

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B.W.T

Barry W. Taylor  
Patent Examiner  
Technology Center 2600  
Art Unit 2643

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600